

State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the second day of January in the year of Our Lord two thousand and seven.

Volume 134, No. 34

Wednesday, April 4, 2007

Thirty-fourth Day

The House of Representatives meets at the State House in Providence, Wednesday, April 4, 2007 and is called to order at 4:20 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 71 members present and 4 members absent as follows:

PRESENT - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Winfield.

ABSENT - 4: Representatives Crowley, Gemma, Williams, Williamson.

INVOCATION

The Honorable Speaker presents Father Bernard O'Reilly, of Saint Patrick's Church in Burrillville who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

APPROVAL OF RECORD

By unanimous consent, the House Journal of Tuesday, April 3, 2007 is approved as printed.

REPORTS OF COMMITTEES**COMMITTEE ON CONSTITUENT SERVICES**

Representative Giannini, for the Committee on Constituent Services, reports back the following measures, with recommendation of passage:

House Resolution No. 6200

BY Kilmartin, Coderre E, Dennigan, Rose, San Bento

ENTITLED, HOUSE RESOLUTION CONGRATULATING FRANCIS R. DIETZ ON BEING THE RECIPIENT OF THE 2007 PAWTUCKET FOUNDATION HERITAGE AWARD {LC2702/1}

04/04/2007 Placed on House Calendar

House Resolution No. 6201

BY Kilmartin, Coderre E, O'Neill, Dennigan, Rose

ENTITLED, HOUSE RESOLUTION CONGRATULATING PATRICIA S. ZACKS ON BEING SELECTED AS A 2007 PAWTUCKET FOUNDATION PERSON OF THE YEAR {LC2705/1}

04/04/2007 Placed on House Calendar

House Resolution No. 6202

BY Kilmartin, Coderre E, Dennigan, Rose, San Bento

ENTITLED, HOUSE RESOLUTION CONGRATULATING CONSUELO SHERBA ON BEING SELECTED AS A 2007 PAWTUCKET FOUNDATION PERSON OF THE YEAR {LC2703/1}

04/04/2007 Placed on House Calendar

COMMITTEE ON JUDICIARY

Representative Lally, for the Committee on Judiciary, reports back the following measures, with recommendation of passage:

House Bill No. 5964

BY McCauley

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS {LC1917/1}

04/04/2007 Placed on House Calendar

House Bill No. 5525

BY Lally, Williamson, Jackson, O'Neill, Petrarca

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - SUPREME COURT (amend the procedures for the distribution and posting of copies of supreme court opinions by utilizing both paper and electronic posting methods) {LC1228/1}

04/04/2007 Placed on House Calendar

House Bill No. 5524 SUB A**BY** Lally, Williamson, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS (amend language in the general laws referring to the outdated term "administrative adjudication court" and replacing it with the term "traffic tribunal.") {LC1234/1/A}

04/04/2007 Placed on House Calendar

House Bill No. 5387**BY** Lally, Williamson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - LAW PRACTICE (exempt the unauthorized practice of law committee from the requirements of the Administrative Procedures Act but would mandate that its rules and regulations be filed with the secretary of state) {LC1236/1}

04/04/2007 Placed on House Calendar

House Bill No. 5357 SUB A**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION (make certain technical amendments and deletions to the general laws for purposes of accurate statutory construction, as recommended by the law revision office) {LC1123/2/A}

04/04/2007 Placed on House Calendar

NEW BUSINESS**House Bill No. 6241 (Secretary of State)****BY** O'Neill, Melo, Jackson, Petrarca, Schadone**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- LIMITED PARTNERSHIPS {LC2831/1}

04/04/2007 Introduced, referred to House Corporations

House Bill No. 6242**BY** Carter**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND {LC2763/1}

04/04/2007 Introduced, referred to House Corporations

House Bill No. 6243**BY** Carter**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND {LC2762/1}

04/04/2007 Introduced, referred to House Corporations

House Bill No. 6244**BY** Carter**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION {LC2766/1}

04/04/2007 Introduced, referred to House Corporations

House Bill No. 6245**BY** Corvese, Schadone, San Bento, Shanley, Rose**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS -- RHODE ISLAND BUSINESS CORPORATIONS ACT, AND RHODE ISLAND LIMITED LIABILITY ACT {LC2835/1}

04/04/2007 Introduced, referred to House Corporations

House Bill No. 6246 (Secretary of State)**BY** Jackson, Schadone, Vaudreuil, Gablinske, Silva**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS - THE RHODE ISLAND LIMITED LIABILITY COMPANY ACT {LC2830/1}

04/04/2007 Introduced, referred to House Corporations

House Bill No. 6247 (Secretary of State)**BY** Serpa, Fellela, Silva, Melo, Vaudreuil**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- RHODE ISLAND BUSINESS CORPORATION ACT {LC2832/1}

04/04/2007 Introduced, referred to House Corporations

House Bill No. 6248 (Secretary of State)**BY** Corvese, Schadone, San Bento, Shanley, Rose**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- BUSINESS CORPORATIONS {LC2837/1}

04/04/2007 Introduced, referred to House Corporations

House Bill No. 6249 (Secretary of State)**BY** Mattiello, DeSimone, Brien, Giannini, Ucci**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS -- CONVERSIONS {LC2833/1}

04/04/2007 Introduced, referred to House Corporations

House Bill No. 6250 (Secretary of State)**BY** Corvese, Schadone, San Bento, Shanley, Rose**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS -- RHODE ISLAND BUSINESS CORPORATION ACT -- FEES {LC2836/1}

04/04/2007 Introduced, referred to House Finance

House Bill No. 6251 (Secretary of State)**BY** Sullivan, O'Neill, Jackson, Kilmartin, Lally**ENTITLED**, AN ACT RELATING TO LIBRARIES -- STATE PUBLICATIONS CLEARING HOUSE {LC2834/1}

04/04/2007 Introduced, referred to House Finance

House Bill No. 6252**BY** Corvese**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- BARBERS, HAIRDRESSERS, COSMETICIANS, ETC. {LC2761/1}

04/04/2007 Introduced, referred to House H.E.W.

House Resolution No. 6253**BY** Murphy, Kilmartin**ENTITLED**, JOINT RESOLUTION WELCOMING AMBASSADOR JOHN GERARD BRUTON TO THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS {LC2808/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representatives Watson, Kennedy, O'Neill and the entire House of Representatives by unanimous consent, on a voice vote.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to the Honorable Senate, forthwith.

RULE 17**The following bills were received pursuant to Rule 17:**

Representative Serpa-An Act relating to Business Corporation Act

Representative Corvese-An Act relating to Barbers, Hairdressers

Representative Corvese-An Act relating to Business Corporations

Representative Mattiello-An Act relating to Conversions

Representative Corvese-An Act relating to Fees

Representative Corvese-An Act relating to RI LLC Act

Representative Jackson-An Act relating to LLC Act

Representative Sullivan-An Act relating to Libraries

Representative O'Neill-An Act relating to Limited Partnership

Representative Carter-An Act relating to PUC

Representative Carter-An Act relating to Towns and Cities

Representative Carter-An Act relating to Towns and Cities

COMMUNICATION FROM THE SENATE

A message from the Honorable Senate transmits with announcement of passage, of the following measures:

Senate Bill No. 105

BY Walaska

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- THE UNIFORM COMMERCIAL CODE (revise Article 1 of the Uniform Commercial Code to make clear that Article 1 applies only to matters which are subject to the Uniform Commercial Code) {LC564/1}

04/04/2007 Referred to House Corporations

Senate Bill No. 300

BY Badeau

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS (eliminate the provision of law permitting the use of a photocopy or other reasonable facsimile of an original sales slip when redeeming a rebate) {LC1583/1}

04/04/2007 Referred to House Corporations

Senate Bill No. 17

BY Sosnowski

ENTITLED, AN ACT RELATING TO TAXATION - TOWN OF NEW SHOREHAM ARTS DISTRICT (recognize Block Island as an art district exempt from taxation.) {LC313/1}

04/04/2007 Referred to House Finance

Senate Bill No. 813

BY Sosnowski

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION (would create an arts district in the town of South Kingstown) {LC2465/1}

04/04/2007 Referred to House Finance

Senate Bill No. 871

BY Doyle, DaPonte, Montalbano J, McBurney

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (allow the Pawtucket City Council to increase the amount of exemptions with respect to assessed value from local taxation on the taxable property of certain persons.) {LC2506/1}

04/04/2007 Referred to House Finance

Senate Bill No. 713 (Attorney General)**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS -- MOTOR VEHICLE OFFENSES (allow a peace officer to request a search warrant which would allow the taking of blood, breath or urine, or perform a chemical test/driving under the influence of intoxicating liquor or narcotics) {LC1258/1}

04/04/2007 Referred to House Judiciary

Senate Bill No. 826**BY** Cote**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Gregory Tripp to join Aimee Belisle and Jayson Kenyon in marriage) {LC2450/1}

04/04/2007 Referred to House Judiciary

Senate Bill No. 913**BY** Walaska**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2685/1}

04/04/2007 Referred to House Judiciary

Senate Bill No. 96**BY** Lanzi, Badeau, Ciccone, DaPonte, Tassoni**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FIREFIGHTERS' ARBITRATION (provide that all contractual benefits conferred under an existing contract would continue until a new agreement is reached through arbitration or by agreement between the parties.) {LC513/1}

04/04/2007 Referred to House Labor

Senate Bill No. 79 SUB A**BY** Badeau, Ruggerio, Ciccone, Tassoni, Connors**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RELIEF OF FIRE FIGHTERS AND POLICE OFFICERS (allow fire and police officers to collect a salary when wholly or partially incapacitated during an emergency on or off duty) {LC451/1/A}

04/04/2007 Referred to House Municipal Government

ANNOUNCEMENTS

Representative McNamara announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in Room 135 of the State House.

Representative Lally announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 of the State House.

Representative Corvese announces that the Committee on Labor will meet at the rise of the House, in Room 201 of the State House.

Representative Slater announces that the Committee on Finance will meet at the rise of the House, to continue its hearing on Human Services, DCYF in Room 35 of the State House

Representative Gallison announces that the Committee on Municipal Government will meet at the rise of the House, in Room 313 of the State House.

APPOINTMENTS

The Honorable Speaker Murphy appoints the following committee to escort the Honorable President of the Senate, and the members of the Honorable Senate, to the House Chamber to meet with the House of Representatives in Joint Session to welcome the Ambassador John Gerard Bruton to the State of Rhode Island-Representative Vaudreuil,, Representative Jackson Representative Almeida, Representative Caprio, Representative Giannini, Representative Melo Representative Trillo and Representative McManus.

ADJOURNMENT

At 4:35 o'clock P.M. on motion of Representative McNamara, and as a further mark of respect to the memory of Tiffany R. DeSisto; on motion of Representative Carter, and as a further mark of respect to the memory of Delmar J. LeBlanc; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, APRIL 5, 2007:

1 2007-H 6149**BY Brien**

ENTITLED, AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$80,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.

2 2007-H 5142**BY Almeida**

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE INVESTMENT COMMISSION -- INVESTMENTS IN SUDAN

Committee on Finance recommends passage.

IN ORDER FOR TUESDAY, APRIL 10, 2007:

1 2007-H 5964**BY McCauley**

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS

Committee on Judiciary recommends passage.

2 2007-H 5525**BY Lally**

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - SUPREME COURT

Committee on Judiciary recommends passage.

3 2007-H 5524 SUB A**BY Lally****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

4 2007-H 5387**BY Lally****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - LAW PRACTICE**

Committee on Judiciary recommends passage.

5 2007-H 5357 SUB A**BY Kilmartin****ENTITLED, AN ACT RELATING TO STATUTES AND STATUTORY
CONSTRUCTION**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

6 2007-H 6200**BY Kilmartin****ENTITLED, HOUSE RESOLUTION CONGRATULATING FRANCIS R. DIETZ
ON BEING THE RECIPIENT OF THE 2007 PAWTUCKET
FOUNDATION HERITAGE AWARD**

Committee on Constituent Services recommends passage.

7 2007-H 6201**BY Kilmartin****ENTITLED, HOUSE RESOLUTION CONGRATULATING PATRICIA S. ZACKS
ON BEING SELECTED AS A 2007 PAWTUCKET FOUNDATION
PERSON OF THE YEAR**

Committee on Constituent Services recommends passage.

8 2007-H 6202**BY Kilmartin****ENTITLED, HOUSE RESOLUTION CONGRATULATING CONSUELO SHERBA
ON BEING SELECTED AS A 2007 PAWTUCKET FOUNDATION
PERSON OF THE YEAR**

Committee on Constituent Services recommends passage.

Francis P. McCabe
Clerk of the House